



Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

July 6, 2005

Docket No. 05-015-1
Regulatory Analysis and Development
PPD, APHIS
Station 3C71
4700 River Rd.
Unit 118
Riverdale, MD 20737-1238

Re: Docket No. 05-015-1

Dear Sir or Madam:

On behalf of Public Citizen, I welcome this opportunity to comment on questions posed by the Animal and Plant Health Inspection Service in the above-captioned docket regarding the National Animal Identification System. Public Citizen is a national, non-profit consumer advocacy organization based in Washington, DC. The organization was founded in 1971 to represent consumer interests in Congress, the executive branch and the courts, and currently has approximately 150,000 members.

Establishing a system to identify animals in the food system is an ambitious task, and the consequences of a poorly designed system could be severe for parties at every stage of food production, from producers to consumers. But such a system is overdue, and the ability of government to do adequate traceback in the event of disease outbreaks will be greatly aided by a good animal identification system. Specifically, we have the following comments in response to questions posed by the agency in the Federal Register:

The Draft Strategic Plan calls for making the entire system mandatory by January 2009. Is a mandatory identification program necessary to achieve a successful animal disease surveillance, monitoring, and response system to support Federal animal health programs? Please explain why or why not.

Public Citizen feels that for a disease traceback system to successfully operate, all animals in the food system must be identified. USDA should consider how a mandatory animal identification program could incorporate existing state and voluntary programs, as well as existing animal health programs, in order to minimize the economic burden on producers. The program should be mandatory to maximize the ability of the USDA to traceback in the event of an animal health outbreak, not to increase the burden on producers. The agency should design the system while

keeping in mind the information that producers already keep, and strive to find ways to link that information into a system capable of traceback before establishing new reporting requirements for producers.

A functioning animal identification system is needed not only for traceback in the event of disease outbreaks, but also for more routine tasks. One example is providing the age of cattle at slaughter. Meat hygiene rules such as those regulating the removal of specified risk materials in cattle, are dependent on knowing the age of the animal being slaughtered. The lack of accurate information about cattle age allows unacceptable ambiguity in the enforcement of such rules.

What are the most cost-effective and efficient ways for submitting information to the database (entered via the Internet, file transfer from a herd management computer system, mail, phone, third-party submission of data)? Does the type of entity (e.g., producer, market, slaughterhouse), the size of the entity, or other factors make some methods for information submission more or less practical, costly, or efficient? Please provide supporting information if possible.

Producers should be allowed to submit information to the animal identification database through any method that meets reporting timelines. However, the option for “third party submission of data” raises concerns about the potential for a privately run database or other industry involvement in data collection. Public Citizen is opposed to any third party role in this system. Only relevant state and federal government agencies should be given the authority to manage identification data. The potential for discrimination against producers by those with access to data about their herd is too great to allow third party or industry access to the database.

We are aware that many producers are concerned about the confidentiality of the information collected in the NAIS. Given the information identified in the draft documents, what specific information do you believe should be protected from disclosure and why?

Public Citizen has a long history of fighting for transparency in government records and citizens access to government information. However, we recognize the magnitude of the information producers will be asked to report to the government under an animal identification program, and the understandable reluctance of producers to have that information made available for the world to see. Therefore, we propose that all information in the database would be protected from disclosure, except in the event of a traceback action triggered by either an animal or human disease outbreak. In the case of a traceback action, FOIA should apply to the measures taken by government officials to carry out the investigation, and the records that result from that traceback action.

A key issue in the development of the NAIS concerns the management of animal tracking information. Animal health officials must have immediate, reliable, and uninterrupted access to essential NAIS information for routine surveillance activities and in the event of a disease outbreak. APHIS determined that this goal could best be achieved by having the data repositories managed by APHIS. The Draft Program Standards document provides for two main NAIS information repositories: The National Premises Information Repository and the National Animal Records Repository. The National Premises Information Repository would maintain data on each production and

animal holding location (contact name, address, phone number, type of operation, etc.). The National Animal Records Repository would maintain animal identification and movement data. Recently, however, an industry-led initiative suggested a privately managed database as an alternative for the management of data on animal tracking in the NAIS. The industry group stated that a private database would ensure that the needs of both government and industry would be fulfilled, and that the flow of information throughout the NAIS would be maintained in a secure and confidential manner. APHIS is requesting comment from stakeholders regarding the utility of a privately managed database for holding animal location and movement information.

Public Citizen is opposed to the creation of a privately managed database. The public interest in this issue is to ensure that regulators can effectively and quickly trace the origins of a disease outbreak. Establishing a private database creates the opportunity for a third party to profit from this enterprise, either through inappropriately using the data to manipulate prices, or through selling access for uses other than those of tracing disease outbreaks.

If animal identification is going to be a government mandate on producers, the government should maintain the system and be accountable to citizens for its performance. Additionally, the federal government should assist producers with the cost of complying with the reporting requirements of this program. Such funding should address the availability of internet access in rural areas, as well as the actual cost of tags or other identification equipment.

Should a public (government) system be made available as well as a privately managed system so that producers would have a choice? Please give the reasons for your response.

The existence of a separate or competing database would complicate the operation of the entire animal identification system, and unnecessarily slow down any outbreak investigation that needs to occur.

Thank you for considering these comments.

Sincerely,

Wenonah Hauter
Director, Public Citizen's Energy and Environment Program